

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

JOSEPH J. PIKE :  
v. :  
: C.A. No. 04-465A  
: JO ANNE B. BARNHART, :  
Commissioner of Social Security :  
:

**MEMORANDUM AND ORDER**

This matter is before the Court on the request of Plaintiff Joseph J. Pike (“Plaintiff”) for judicial review of the decision of the Commissioner of Social Security (“the Commissioner”), denying Plaintiff’s application for Supplemental Security Income (“SSI”) benefits, under §§ 205(g) and 1631(c)(3) of the Social Security Act, as amended, 42 U.S.C. § 405(g) and 1383(c)(3) (the “Act”). Defendant Jo Anne B. Barnhart (“Defendant”) filed a Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand.

With consent of the parties, this matter has been referred to this Magistrate Judge for all further proceedings and the entry of judgment pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. The Court has determined that no hearing is necessary. For the reasons explained herein, I find that the matter should be remanded for further administrative proceedings. Accordingly, I order that Defendant’s Motion for Remand under sentence four of 42 U.S.C. § 405(g) (“Motion for Remand”) be GRANTED and that the matter be remanded to the Commissioner for further administrative proceedings in accordance with this Memorandum and Order.

### **Facts and Travel**

Plaintiff was twenty-three years old at the time of hearing, Compl. ¶ 11, and has a high school education. The Complaint alleges disability as a result of severe cognitive impairment. See id. ¶ 10.

Plaintiff filed an application for SSI benefits, which was denied initially and on reconsideration. See id. ¶ 4. Plaintiff then filed a timely request for a hearing before an administrative law judge (“ALJ”), which was subsequently held in Providence, Rhode Island. See id. ¶ 4, 6. Plaintiff was present for the hearing. See id. ¶ 6. On June 25, 2004, the ALJ issued an unfavorable decision, which Plaintiff appealed to the Appeals Council. See id. ¶ 7, 8. According to Plaintiff’s Complaint, the Appeals Council on September 7, 2004, sent Plaintiff a letter stating that the ALJ’s denial of benefits had been affirmed, thereby rendering the ALJ’s decision the final decision of the Commissioner. See id. ¶ 8.

Plaintiff filed a Complaint in this Court on November 3, 2004. On August 3, 2005, Defendant’s Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand was filed.

### **Discussion**

According to sentence four of Section 405(g), 42 U.S.C., “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Defendant requests that this matter be remanded in order to permit the ALJ to further develop and consider the medical evidence. Defendant also requests remand in order to permit the ALJ to obtain additional vocational expert evidence regarding the extent of

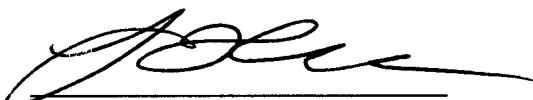
Plaintiff's assessed limitations. This Court agrees that Defendant has offered sufficient grounds for remand. Plaintiff has not objected.

**Conclusion**

Defendant's Motion for Entry of Judgment with Reversal and Remand (Document No. 8) is hereby GRANTED and the matter is remanded to the Commissioner for further administrative proceedings as detailed in Defendant's Motion. The Clerk shall enter Final Judgment for Plaintiff in accordance with this ORDER.

SO ORDERED.

ENTER:



LINCOLN D. ALMOND  
United States Magistrate Judge  
August 9, 2005

BY ORDER:



Deputy Clerk